

BOARD OF PAROLE HEARINGS
En Banc Decisions
Wednesday, February 20, 2013

BESS, Richard	T-53652	Penal code section 1170(e)
Motion:	Decline to refer to court for consideration of sentence recall because the conditions under which the inmate would be released or receive treatment pose a threat to public safety as referenced in Penal Code section 1170(e)(2)(B) due to non-viable parole plans (plans which do not confirm with Penal Code section 290).	
Motion by:	Fritz	
Second by:	Anderson	
Not Present:		
Decision:	Motion carried.	
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CARDIN, Luis	C-35792	Penal code section 1170(e)
Motion:	Decline to refer to court for consideration of sentence because the conditions under which the prisoner would be released or receive treatment pose a threat to public safety as referenced in Penal Code section 1170(e)(2)(B), due to a recent disciplinary violation, his ambulatory condition, and the recent finding of unsuitability.	
Motion by:	Peck	
Second by:	Roberts	
Not Present:		
Decision:	Motion carried.	
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CATHREN, Darrell	F-82301	Penal code section 1170(e)
Motion:	Refer to court for consideration of sentence recall because the inmate is medically incapacitated as defined in Penal Code section 1170(e)(2)(C), and because the conditions under which the inmate would be released or receive treatment do not pose a threat to public safety as referenced in Penal Code section 1170(e)(2)(B).	
Motion by:	Anderson	
Second by:	Garner	
Not Present:		
Decision:	Motion carried.	

COOPER, Roderick	C-72227	Governor-Referred
Motion:	Affirm the previous grant of parole because the inmate no longer poses an unreasonable risk of danger to the public for the reasons stated by the panel that granted parole on September 13, 2012.	
Motion by:	Ferguson	
Second by:	Roberts	
Not Present:		
Decision:	Motion carried.	
ENGLUND, David	B-77911	Governor-Referred
Motion:	Affirm the previous grant of parole because the inmate no longer poses an unreasonable risk of danger to the public for the reasons stated by the panel that granted parole on October 3, 2012.	
Motion by:	Figueroa	
Second by:	Ferguson	
Not Present:		
Decision:	Motion carried.	
HILL, Jesse	J-46685	Governor-Referred
Motion:	Affirm the previous grant of parole because the inmate no longer poses an unreasonable risk of danger to the public for the reasons stated by the panel that granted parole on September 13, 2012.	
Motion by:	Fritz	
Second by:	Peck	
Not Present:		
Decision:	Motion carried.	
HILL, Roger	C-53733	Tie Vote
Motion:	Find the inmate suitable for parole for the reasons given by Deputy Commissioner Mahoney that the inmate is no longer an unreasonable threat to public safety.	
Motion by:	Singh	
Second by:	Zarrinnam	
Not Present:		
Decision:	Motion carried.	

KIM, Kee	P-71039	Referred by Decision Review
Motion:	Schedule a hearing to determine if the inmate's July 11, 2011, grant of parole should be rescinded in accordance with Penal Code section 3041.1 and California Code of Regulations, Title 15, section 2255, based on the inmate's admissions at his January 10, 2013, progress hearing regarding institutional drug trafficking on June 10, 2012.	
Motion by:	Zarrinnam	
Second by:	Roberts	
Not Present:		
Decision:	Motion carried.	
KNIGHT, Harvey	C-96218	Governor-Referred
Motion:	Affirm the previous grant of parole because the inmate no longer poses an unreasonable risk of danger to the public for the reasons stated by the panel that granted parole on September 25, 2012.	
Motion by:	Labahn	
Second by:	Anderson	
Not Present:		
Decision:	Motion carried.	
LATSCHA, James	H-80825	Governor-Referred
Motion:	Affirm the previous grant of parole because the inmate no longer poses an unreasonable risk of danger to the public for the reasons stated by the panel that granted parole on October 9, 2012.	
Motion by:	Garner	
Second by:	Roberts	
Not Present:		
Decision:	Motion carried.	
LINMAN, Brook	Pardon	
Motion:	Refer Ms. Linman's application for pardon to the Governor with a favorable recommendation.	
Motion by:	Roberts	
Second by:	Anderson	
Not Present:		

Decision: Motion carried.

MARTIN, John

J-87352

Governor-Referred

Motion #1: Affirm the decision to grant parole made on September 19, 2012, because the prisoner no longer poses an unreasonable risk of danger to the public for the reasons stated on the record by the panel that granted parole.

Motion by: Anderson

Second by: Figueroa

Not Present:

Decision: Motion failed to carry.

Motion #2: Schedule a hearing to determine if the inmate's September 19, 2012, grant of parole was improvidently granted in accordance with Penal Code section 3041.1 and California Code of Regulations, Title 15, section 2255, based on the following fundamental errors: inadequate consideration of the prisoner's (a) mental condition, (b) history of manipulating women and (c) stated reasons for committing the crime.

Motion by: Garner

Second by: Roberts

Not Present:

Decision: Motion carried.

MENNEALY, Janeen

Pardon

Motion: Refer Ms. Mennealy's application for pardon to the Governor with a favorable recommendation.

Motion by: Turner

Second by: Zarrinnam

Not Present:

Decision: Motion carried.

MOORE, Donnell

D-73077

Referred by Decision Review

Motion: Schedule a hearing to determine if the inmate's March 1, 2012, grant of parole should be rescinded in accordance with Penal Code section 3041.1 and California Code of Regulations, Title 15, section 2255, based on the inmate's conduct on December 30, 2012 and January 3, 2013, as summarized in two Rules Violation Reports authored on January 3, 2013 and January 7, 2013, respectively.

Motion by: Garner
Second by: Roberts
Not Present:
Decision: Motion carried.

SILVA, Gabriel

E-06734

Governor-Referred

Motion: Refer for a rescission hearing to consider new information that was not available to the panel that granted parole on October 3, 2012. The Board further orders an investigation of the new information for the parties.

Motion by: Peck

Second by: Garner

Not Present:

Decision: Motion carried.